

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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3 DIAVION DE NIRO, individually, and on  
4 behalf of similarly situated individuals,

5 Plaintiff

6 v.

7 ARISE VIRTUAL SOLUTIONS, INC.,

8 Defendant

Case No.: 2:24-cv-00695-APG-EJY

**Order Compelling Opt-in Party Plaintiffs  
to Arbitration**

9 On November 20, 2024, I ordered plaintiff Diavion De Niro to arbitration and stayed her  
10 claims pending arbitration. ECF No. 60 at 14. That order did not decide whether I should also  
11 compel the two opt-in party plaintiffs, Giselle Rickelman and Joseph Haymon, to arbitrate, given  
12 that they might have different arguments to avoid arbitration. For the sake of efficiently  
13 resolving this dispute, I ordered counsel for the parties “to meet and confer to determine whether,  
14 and on what basis, Rickelman and Haymon are subject to a valid arbitration agreement.” *Id.* at  
15 15. If the parties did not agree on a disposition as to those opt-ins, they were to file a joint status  
16 report outlining their disputes and proposing a briefing schedule with respect to any further  
17 motions to compel arbitration.

18 The parties filed a joint status report. ECF No. 61. Counsel for Arise indicates that they  
19 “confirmed that the opt-ins [Rickelman and Haymon] are subject to the same arbitration  
20 agreement as Plaintiff DeNiro, and counsel for Plaintiff did not indicate that there were any  
21 additional arguments with regard to the opt-ins.” ECF No. 61 at 3. Counsel for Rickelman and  
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1 Haymon<sup>1</sup> do not dispute this statement. Instead, they request that I set a briefing schedule for De  
2 Niro to file a motion to certify an interlocutory appeal under 28 U.S.C. § 1292. *Id.*

3 I THEREFORE ORDER that plaintiffs Giselle Rickelman and Joseph Haymon are  
4 compelled to arbitration for the same reasons given in the order compelling plaintiff Diavion De  
5 Niro to arbitration (ECF No. 60). Their claims in this case are likewise **STAYED** pending  
6 arbitration.

7 I FURTHER ORDER that if plaintiff Diavion De Niro chooses to file a motion to certify  
8 an interlocutory appeal, I approve the schedule set forth in the parties' joint status report.

9 DATED this 19th day of December, 2024.

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12 ANDREW P. GORDON  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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1 The status report refers to plaintiffs' counsel as counsel for De Niro, though the record indicates that De Niro, Haymon, and Rickelman share the same counsel. *See* ECF No. 27.